

R E M A R K S

Submitted concomitantly herewith is a DECLARATION UNDER 37 CFR 1.132 of Dr. Yuki ABE dated October 6, 2004.

With reference to Yu et al., Applied and Environmental Microbiology, (1995), 61(6), 2372-2377, it was stated in the first full paragraph on page 22 of the AMENDMENT UNDER 37 CFR 1.111 filed September 17, 2004 that the homology between the two *aflR* genes is 80 to 90%. Table 1 on page 2 of the enclosed ABE DECLARATION sets forth more accurate values for the homology. Table 1 of the enclosed ABE DECLARATION shows that the cDNA (nucleotide) homology between the two *aflR* genes is 96.9%, and the amino acid homology between the two *aflR* genes is 94.2%. Such Table 1 also demonstrates that the *mlcR* gene reveals no homology with both *aflR* genes.

Item No. 5 on page 3 of the enclosed ABE DECLARATION is directed to the paragraph bridging pages 21 and 22 of the AMENDMENT UNDER 37 CFR 1.111 filed September 17, 2004, which concerns WO 01/012814. Item No. 5 of the enclosed ABE DECLARATION states the following:

"....in the specification of WO 02/12824, it was shown that a gene cluster containing six hypothetical genes could enhance the production of ML-236B. But it was not shown which gene or which combination of genes

could really work and enhance said production."

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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